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May 27, 2022

**By ECF**

Honorable Gabriel W. Gorenstein  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

In Re: *New York City Policing During Summer 2020 Demonstrations*  
No. 20 Civ. 8924 (CM) (GWG)  
This filing is related to all cases

Your Honor:

I am a Senior Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and I am among counsel for the defense in the above-referenced matter. Defendants write to respectfully inform the Court of any missed deadlines in the Discovery Charts as ordered. (Dkt. Nos. 541, 546).

As an initial matter, the Court instructed Defendant to review the Discovery Chart annexed to Docket Entry No. 464. This is an earlier version of the Chart, which was created for both the consolidated discovery requests and the requests that were made in the individual cases. Defendants then produced two updated charts on April 15, 2022; one for the consolidated document demands and a second for the individual requests. Defendants reviewed these charts for any missed deadlines. After review of the 270 remaining document requests on the Discovery Charts,<sup>1</sup> it appears that the following are missed deadlines as noted on the Charts:<sup>2</sup>

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<sup>1</sup> By letter dated today, the City advised the Court that the parties had settled the attorneys' fees and costs concerning Cameron Yates' acceptance of a Rule 68 Offer of Judgment. While the discovery demands made in *Yates* are still counted in the total entries on the Chart, they will be removed and as such are not be included in the response in this letter.

<sup>2</sup> Discovery tasks were assigned amongst the litigation team, including Ms. Weiss. In light of her termination, we asked Plaintiffs by email on May 13, 2022, as a professional courtesy, to advise us of whether they were aware of any deadlines to ensure that they were not missed. On May 16, 2022, Plaintiffs declined the request.

- *Various Document Requests for ARGUS videos.* While defendants produced Body Worn Camera (“BWC”) footage, Technical Assistance and Research Unit (“TARU”) footage and Aviation footage, ARGUS footage was not produced by the April 15, 2022 deadline. Defendants have now produced the ARGUS footage by today’s Court-ordered deadline.
- *Consolidated Document Requests No. 77, 78, 82 and Sow Document Request No. 12: Privilege Logs.* For each of these requests it is stated on the Charts that, “[a] privilege log will be provided for privileged documents.” These deadlines may have been missed. While privilege logs were produced subsequent to April 15, 2022, defendants are currently ascertaining whether the privilege logs provided correspond to these document requests.
- *Sierra First Set of Document Requests No. 5.* This request states “[p]roduce all documents concerning communications to or from any undercover police officers or informants who participated in the Mott Haven protest on June 4, 2020.” After conferral with NYPD, it appears that this deadline may have been missed.
- *Sow Document Request No. 8.* This request states “[p]roduce any and all documents including electronic communications related to the preparation of mass arrest processing facilities sanitation logs, pest control logs, plans for cleaning, toilet cleaning provisions and logs, provisions of cleaning equipment and products for the same, heating and cooling of the facilities and transport vehicles where prisoners would be held during processing time.” Responsive documents were produced on April 21, 2022, thus this was a missed deadline.
- *Sow Document Request No. 18.* This request states “[p]roduce the intelligence bureau surveys for each day listed in Schedule A.” To the extent that, “Intelligence Bureau Surveys,” exist, this would be a missed deadline.<sup>3</sup>

The *Payne* plaintiffs served a letter to defendants on April 13, 2022 (two days before defendants’ April 15th document production) concerning deficiencies in defendants’ responses to plaintiffs’ Second and Third Supplemental Sets of Interrogatories and Requests for the Production of Documents. In an effort to obtain responsive documents of particular interest to them, plaintiffs “prioritized” the production of certain documents and reserved the right to raise production of the “non-prioritized” documents at a later time. Defendants identified responsive documents that were produced on April 15<sup>th</sup>. Having missed the April 15<sup>th</sup> deadline for one responsive document - an Activity Log, defendants subsequently produced that document on April 29, 2022. Defendants also identified the officer whose identity was sought by Interrogatory No. 16 after the April 15<sup>th</sup>

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<sup>3</sup> In an abundance of caution, we include the an issue related to a draft after-action review report that was prepared by Assistant Chief Thomas Conforti. The Court directed that a sworn statement by Chief Conforti and an updated privilege log be produced to plaintiffs by April 19, 2022. Defendants complied with that order. On May 5, 2022, NYPD provided about 50 additional documents and as a result, defendants produced a supplemental privilege log on May 16, 2022.

deadline, and produced corresponding documents on May 20<sup>th</sup>. Finally, the parties intend to meet and confer on other outstanding issues.

Defendants have, to the best of their ability, identified from a review of the Discovery Charts those entries where deadlines were missed. To the extent the parties are meeting and conferring on various discovery issues those are not specifically on the charts and not included here. As with *Payne*, if and when deficiencies are presented to defendants, we will make every effort to address them.

Thank you for your consideration herein.

Respectfully submitted,

*Amy Robinson s/*  
Amy Robinson  
*Senior Counsel*

cc: ALL COUNSEL (*via* ECF)